United Nations A/64/634

General Assembly

Distr.: General
26 January 2010
English
Original: Spanish

Sixty-fourth session
Agenda item 53 (d)
Sustainable development: protection of global climate for present and future generations

Letter dated 21 January 2010 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General

I have the honour to write to you in order to transmit the annexed communication dated 14 January 2010, from the Minister of the People's Power for Foreign Affairs of the Bolivarian Republic of Venezuela, Mr. Nicolas Maduro Moros, addressed to you, regarding the serious concern of the Government of the Bolivarian Republic of Venezuela about the outcome of the fifteenth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and the fifth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol, held in Copenhagen from 7 to 19 December 2009 (see annex).

In that context, it expresses our country's strong disagreement with the attempt to endorse the erroneously named "Copenhagen Agreement", which was not adopted at the fifteenth session of the Conference of the Parties and the fifth session of the Conference of the Parties serving as the Meeting of Parties to the Kyoto Protocol, for which reason it cannot be considered as the basis for the negotiation of a future binding instrument.

I should be grateful if you would have the present letter and its annex circulated to the States Members of the United Nations.

(*Signed*) Jorge **Valero**
Ambassador
Permanent Representative

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Annex to the letter dated 21 January 2010 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General

I am writing to you in order to express the serious concern of the Bolivarian Republic of Venezuela regarding the unsuccessful outcome of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Copenhagen.

In this context, we wish to express our alarm at the attempt to distort the will of the majority of the countries by means of a note verbale from the Permanent Mission of Denmark to the United Nations dated 30 December, which promoted the endorsement by States parties to the Convention of a document that the Conference of the Parties in Copenhagen only "took note of", and that therefore was not adopted.

In Copenhagen it was recorded for posterity how the highly developed countries, which have been chiefly responsible for the emission and accumulation of greenhouse gases since the beginning of the pre-industrial era, tried to impose their "law", mocking the good faith of the developing countries, which, for more than two years, have been negotiating, within the context of the working groups of the Convention and the Kyoto Protocol, the full, effective and sustained implementation of the Convention and the establishment of the second commitment period of the annex I parties and beyond.

The developing countries that make up the Group of 77 and China have proposed formulas that are acceptable to all, on the basis of the principle of "common but differentiated responsibilities and respective capabilities", and in strict accordance with the provisions of the Convention and the Protocol thereto.

In Copenhagen, President Hugo Chávez Frías set out the position that the Bolivarian Republic of Venezuela has maintained for the past 10 years. For our country, it is not enough for those responsible for the global economic and environmental imbalance that has caused climate change to merely lower greenhouse gas emissions. Furthermore, our Government believes that it is necessary to change the capitalist model of production and consumption that consigns millions of human beings to poverty and misery for the sole purpose of having a select group of countries, and their callous political and economic elites, continue reproducing ad infinitum a predatory and irrational development model.

President Hugo Chávez Frías also spoke of the urgent need to replace that model with another that is characterized by solidarity, being therefore sustainable, environmentally friendly and respectful of human dignity.

As President Hugo Chávez said in Copenhagen, "the doors were opened for us to continue having a major global debate on how to save the planet, how to preserve life on the planet". However, the scene we encountered in the Danish capital was bleak. The super-Powers wanted to impose their corporate interests on the peoples of the world. The words of warning spoken by various leaders about the inappropriateness of imposing a spurious document on the Conference went unheeded.

It is worth noting that, after more than two years of listening to speeches about the necessary ambition to achieve an agreement in Copenhagen, the Danish initiative that promoted the "document of the 26" only produced an insignificant

document that cast aside all recommendations made by the Intergovernmental Panel on Climate Change in relation to the most relevant aspects of environmental issues.

This document only makes timid reference to a vague commitment of not allowing the average global temperature to increase by more than 2° C. Had the aforementioned document been adopted, it would have sentenced hundreds of thousands of people to death and the world's poorest and most vulnerable peoples to suffering, and would have even led to the disappearance of entire countries and their cultures.

Fortunately, the will of those countries committed to protecting the environment prevented a legal and ethical atrocity from being committed at the Conference of the Parties. The plenary meeting of States parties did not adopt any document and, it should be emphasized, merely "took note" of it. However, the Government of the Kingdom of Denmark, which presides over the Conference of the Parties, acted as the spokesperson for the super-Powers and tried, with cunning words and deception, to garner support for the aforementioned document — support that had not been obtained within the framework of the already concluded Conference of the Parties.

Via a diplomatic note sent by its Permanent Mission to the other Permanent Missions to the United Nations, the Government of Denmark issued an invitation to the Member States of this multilateral forum to endorse a document that was not adopted by the Conference of the Parties to the United Nations Framework Convention on Climate Change.

This initiative seriously affects the institutionality of the multilateral system on climate change, which was established on the basis of principles and mandatory rules with which all States parties must comply.

This questionable initiative introduces a dangerous precedent that seriously alters the will expressed by the Conference of the Parties, and affects the neutrality and credibility that should be ensured by its Presidency.

Our country wishes to be emphatic in stating that the Danish Presidency of the Conference has no mandate, nor any power whatsoever, to attempt to ignore the decision of the fifteenth session of the Conference of the Parties on climate change or to spearhead the search for endorsements of a document that was not adopted. This unfortunate initiative weakens confidence in the current Presidency and undermines the transparency that should characterize multilateral negotiations.

The Bolivarian Republic of Venezuela reiterates its commitment to a fair and ambitious agreement that we hope will be concluded this year, one that reflects the will of all parties to the Convention and that fully develops the five elements of the agenda set out in the Bali Action Plan: shared vision, adaptation, mitigation, technology transfer and financing.

In this connection, our Government considers it more important to clearly define how those resources would be channelled than to define the amounts themselves, as financing is not an exercise in charity on the part of the developed countries, but rather a legally binding obligation. This obligation requires the definition of appropriate financial architecture that ensures the full sovereignty of developing countries as regards access to and the use of those funds.

Our Government also hopes that, within the framework of the Kyoto Protocol, the establishment of the second commitment period will be defined with quantified reduction targets and emission limitations for annex I countries.

Based on the aforementioned considerations, on behalf of the Government of the Bolivarian Republic of Venezuela, and in our capacity as a State party to the United Nations Framework Convention on Climate Change, we feel compelled to reiterate that the United Nations Secretariat, as well as the secretariat of the Framework Convention, should not facilitate any initiative designed to endorse the erroneously dubbed "Copenhagen Accord", which was not adopted at the Conference of the Parties, and should not be considered as a basis for the negotiation of a future legally binding instrument.

Such facilitation would mock the authority of the Conference of the Parties and demolish the institutions of the system formed by the Framework Convention and its Kyoto Protocol.

On behalf of our Government, we request your valuable cooperation in having this letter circulated to all the States Members of the United Nations.

(*Signed*) Nicolas **Maduro Moros**
Minister of the People's Power for Foreign Affairs
Bolivarian Republic of Venezuela